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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,414	01/22/2002	Chang-Won Choi	8045-33 (PX1441-US/SSD)	5089
7590	05/17/2004		EXAMINER	KACKAR, RAM N
F. Chau & Associates, LLP Suite 501 1900 Hempstead Turnpike East Meadow, NY 11554			ART UNIT	PAPER NUMBER
			1763	

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/054,414	CHOI ET AL.
	Examiner	Art Unit
	Ram N Kackar	1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 08 April 2004.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1 and 7 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 and 7 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In these claims recitation is made of the resistivity of the edge ring being less than the resistivity of the wafer. Since wafer is not a part of the chuck assembly but placed on it for processing, the resistivity of the wafer may change with change of wafer material. The claimed resistivity of edge ring therefore becomes indefinite (See MPEP 2173.05(b)).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants admitted prior art (AAPR) in view of Roderick et al (US 6074488) and Ke et al (US 6284093).

AAPR (Fig 2) discloses an edge ring with a slanted step portion (Fig 2), which appears to have the same angle as the invention (Fig 4). The difference between the invention and AAPR being the resistivity of the material of the edge ring.

Roderick et al discloses an edge ring (Fig 2-230) and teach that it is made of a low resistance semiconductor dielectric like silicon and could also be doped to further adjust resistivity or conductivity (Col 8 line 49 to Col 9 line 24).

Ke et al have studied the effect of slant angle and the spacing and teach that the slant angle (Col 11 lines 3-8) and spacing (Col 11 lines 33-35) produce a focusing effect which modifies the ion flux distribution and therefore must be determined empirically. Ke et al also teach that the RF coupling is inversely proportional to the electrical resistivity of the silicon ring (Col 13 line 44-45).

Ke et al teaching has thus provided a frame work under which the geometry of the ring could be optimized.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to optimize the resistivity, slant angle and spacing of the edge ring to obtain consistent and uniform plasma sheath for uniform processing. This type of optimization has been held obvious.

#### *Response to Arguments*

Applicant's arguments filed 4/8/2004 have been fully considered but they are not persuasive.

Regarding electrical resistivity adjustment, as explained above the disclosure is at (Col 9 from line 1 to 24).

Applicant argues that Roderick et al teach away from the claimed invention is incorrect. In (Col 8 line 49 to Col 9 line 24) they suggest low electrical resistance.

Applicant has tried to pick and choose embodiments out of context from the basic issue that the geometry could be optimized (must be empirically determined- Ke et al Col 11 line 34). It should be understood that the three factors, angle spacing and resistivity are not independent from each other and many different useful ranges could be obtained by ordinary experimentation. This would include the ranges found useful by the inventors.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ram N Kackar whose telephone number is 571 272 1436. The examiner can normally be reached on M-F 8:00 A.M to 5:P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Mills can be reached on 571 272 1439. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RK

  
GREGORY MILLS  
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